

## Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	City of Hopewell
Facility Name:	Hopewell Regional Wastewater Treatment Facility
Facility Location:	231 Hummel Ross Road Hopewell, Virginia
Registration Number:	Registration No. 50735
Permit Number:	PRO50735

January xx, 2002  
Effective Date

January xx, 2007  
Expiration Date

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David A. Johnson  
Director, Department of Environmental Quality

January xx, 2002  
Signature Date

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## **I. Facility Information**

### **Permittee**

City of Hopewell  
P. O. Box 969  
Hopewell, Virginia 23860

### **Responsible Official**

Peter Bine  
City Manager

### **Facility**

Hopewell Regional Wastewater Treatment Facility  
231 Hummel Ross Road  
Hopewell, Virginia 23860

### **Contact Persons**

Mark A. Haley  
Director  
804-541-2212

Robert C. Steidel  
Environmental Manager  
804-541-2210

**AIRS Identification Number:** 51-670-0053

**Facility Description:** SIC Code 4952 – The facility is a publicly owned treatment works (POTW) which treats domestic and industrial wastewater. The facility has a design flow rate capacity of 50 million gallons per day and currently treats an average influent flow of 32 million gallons of wastewater per day. The treatment processes consist of wet stream units and solids handling facilities. The treated wastewater is discharged into Gravelly Run, which flows into the James River.

## II. Significant Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled
2	S1	Grit Chambers (three units)	50 million gallons per day	Aluminum covers	-	VOC/HAPs
3	S1	Parshall Flume		Aluminum covers	-	VOC/HAPs
4	Fug	Supernatant Return Discharge				
5	Fug	Primary Clarifiers/ Denitrification (eight units)				
6	S2	UNOX System (four trains)				
7	Fug	Secondary Clarifiers (eight units)				
11	S3	Sludge Holding Tanks (two units)				
12	S4	Centrifuges (two units)	6,500 lb/hr (dry sludge @30% solids)			
13	S5/S6	Multiple Hearth Furnace (Sludge Incinerator)	6,500 lb/hr (dry sludge @30% solids)	Afterburner	S5-1	VOC/HAPs
13	S5/S6	Multiple Hearth Furnace (Sludge Incinerator)	6,500 lb/hr (dry sludge @30% solids)	Venturi Scrubber	S5-2	Particulate Matter
13	S5/S6	Multiple Hearth Furnace (Sludge Incinerator)	6,500 lb/hr (dry sludge @30% solids)	Impingement Scrubber	S5-3	Particulate Matter
14		Solids Handling Buildings (Fugitive Losses)	6,500 lb/hr (dry sludge @30% solids)			
15a-c		Diesel-fired Pumps (currently three units) (non-standby use)	<100 hp each			

\*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

### **III. Multiple Hearth Furnace Requirements – Emission Unit ID#13**

#### **A. Limitations**

1. Emissions from the operation of the Multiple Hearth Furnace shall not exceed the limit specified below:

Particulate Matter            0.65 grams/kilogram of dry sludge incinerated  
(40 CFR 60.152(a)(1), NPSP Subpart O)

2. Emissions from the operation of the Multiple Hearth Furnace shall not exceed the limit specified below:

Particulate Matter            0.14 grains/dscf, corrected to 12%CO<sub>2</sub>  
(9 VAC 5-40-750)

3. Emissions from the operation of the Multiple Hearth Furnace shall not exceed the limit specified below:

Mercury                        3,200 grams/24-hour period  
(40 CFR 61.50, Mercury NESHAP, Subpart E)

4. Visible Emissions from either of the Multiple Hearth Furnace stacks (main operating mode/stack S-5 or standby mode/stack S-6) shall not exceed 20 percent opacity, except for one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity (standby mode/stack S-6 only).  
(40 CFR 60.152(a)(2), NPSP Subpart O and 9 VAC 5-50-80)

#### **B. Monitoring and Recordkeeping**

5. The permittee shall obtain representative samples of the sludge feed to the Multiple Hearth Furnace and analyze these samples for mercury content once each calendar year. The permittee shall use the data so obtained together with the sludge feed rate data acquired in accordance with Condition #6 to determine compliance with the mercury emission standard in Condition #3. Records of the sludge sampling results, compliance determinations, and the details of any corrective actions shall be available on site for inspection by the DEQ and shall be current for the most recent five years.  
(9 VAC 5-80-110)
6. The permittee shall install, calibrate, maintain, and operate continuous monitors for the following Multiple Hearth Furnace operating parameters:
  - the mass or volume of sludge charged;
  - the oxygen content of the incinerator exhaust gas;
  - the pressure drop of the gas flow through the scrubber system;

- the temperature at each hearth; and
- the total supplemental fuel flow.

The accuracy, location, and calibration frequency for each of the above devices shall be as specified in 40 CFR 60.153.

(9 VAC 5-80-110 and 40 CFR 60.153(a, b(1-4)))

7. For each day in which the Multiple Hearth Furnace is fed sludge, the permittee shall collect and analyze a grab sample of the sludge fed to the Multiple Hearth Furnace once per day. The dry sludge content and the volatile solids content of each sample shall be determined in accordance with 40 CFR 60.153(b)(5).  
(9 VAC 5-80-110 and 40 CFR 60.153(b)(5))
8. The permittee shall retain records of the data recorded by the continuous monitors of Condition #6 and obtained from the grab samples of Condition #7 as well as the details of any corrective action taken in accordance with Condition 9.c.vii. of this section for a minimum of five years.  
(9 VAC 5-80-110 and 40 CFR 60.153(c))
9. The permittee shall submit semi-annual reports containing the following information:
  - a. a record of average scrubber pressure drop measurements for each period of 15 minutes duration or more during which the pressure drop of the scrubber was less than, by the percentage specified in 40 CFR 60.155(a)(1)(ii), the average scrubber pressure drop measured during the most recent performance test; and
  - b. a record of average oxygen content in the multiple hearth furnace exhaust gas for each period of 1-hour duration or more that the oxygen content of the incinerator exhaust gas exceeds the average oxygen content measured during the most recent performance test by more than 3 percent;
  - c. for each calendar day in which a decrease in scrubber pressure drop or increase in oxygen content of exhaust gas (as indicated in a. or b. of this condition) is reported:
    - i. the scrubber pressure drop averaged over each 1-hour incinerator operating period;
    - ii. the multiple hearth furnace exhaust oxygen content averaged over each 1-hour incinerator operating period;
    - iii. the temperature of every hearth averaged over each 1-hour incinerator operating period;
    - iv. the rate of sludge charged to the multiple hearth furnace averaged over each 1-hour incinerator operating period;

- v. the multiple hearth furnace fuel use averaged over each 8-hour operating period;
- vi. the moisture and volatile solids content of the daily grab sample of sludge charged to the multiple hearth furnace; and
- vii. the details of any corrective action taken by the source to address any operating parameter deviation referenced in a. and b. of this condition.

The above reporting provisions shall apply only during periods of sludge incineration.  
(9 VAC 5-80-110 and 40 CFR 60.155(a-b))

10. The Multiple Hearth Furnace stack shall be observed visually at least once each operating week in which sludge is fired in the furnace for at least a brief time period to determine if the Multiple Hearth Furnace stack has normal visible emissions, except during weeks in which a 40 CFR 60 Appendix A Method 9 visible emissions evaluation is performed on the unit. On each occasion that above-normal visible emissions are observed, the permittee shall conduct a Method 9 visible emissions evaluation on the stack unless the visible emission condition is corrected as expeditiously as possible. The permittee shall maintain records of the results of the weekly visible emissions inspections and the details of any corrective actions taken as a result of these inspections.  
(9 VAC 5-80-110)
11. The permittee shall report the results of any 40 CFR Part 60 Method 9 opacity test performed as a result of Condition #10 above if the test indicates the facility is out of compliance with the standard contained in Condition #4 of this section. The reports shall meet all the requirements of General Condition E of this permit.  
(9 VAC 5-80-110)

#### **IV. Grit Chambers/Parshall Flume Requirements – Emission unit ID#2-3**

##### **A. Limitations**

1. Volatile Organic Compound emissions from the three Grit Chambers and the Parshall Flume shall be controlled by a cover and vent.  
(9 VAC 5-40-300 and Condition E.2 of 5/30/96 RACT Consent Order)

##### **B. Monitoring and Recordkeeping**

2. An annual internal inspection shall be conducted on the cover and vent controlling VOC emissions from the grit chambers and Parshall flume. The permittee shall maintain records of the results of the annual structural integrity inspections of the cover and vent and details of any corrective actions taken as a result of these inspections. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.  
(9 VAC 5-80-110 E)

## **V. UNOX System Requirements – Emission Unit ID#6**

### **A. Limitations**

1. The permittee shall accept any wastewater containing pulping process condensates regulated under 40 CFR 64, Subpart S, below the liquid surface of the UNOX System.  
(40 CFR 63.446(e)(2))
2. The permittee shall operate the UNOX System to reduce or destroy the affected Hazardous Air Pollutants (HAPs) present in the regulated wastewater (as defined in Condition #1 of this section) by at least 92 percent by weight.  
(40 CFR 63.446(e)(2-3))

### **B. Testing, Monitoring and Recordkeeping**

3. The permittee shall perform an initial performance test on the UNOX System when receiving regulated wastewater for percent HAP removal. Sampling locations and procedures for the performance test shall be in conformance with 40 CFR 63.457(c). The percent HAP reduction for the UNOX System shall be calculated as stated in 40 CFR 63.457(l). In addition, after the initial performance test, the permittee shall obtain daily inlet and outlet samples of regulated wastewater. Samples shall be stored as described in 40 CFR 63.457(n).  
(40 CFR 63.457(a),(c),(l),(n) and 40 CFR 63.453(j)(1)(ii)(A-B))
4. The permittee shall install, operate and maintain continuous monitoring devices for the following parameters for the UNOX System:
  - UNOX System oxygen supply flow rate;
  - Horsepower of UNOX System aerators;
  - Regulated wastewater inlet flow to UNOX System;
  - Total Inlet liquid flow to UNOX System; and
  - UNOX System vent gas purity

Alternatively, the permittee shall install, operate and maintain continuous monitoring devices for any parameters designated in an United States Environmental Protection Agency approved site-specific monitoring plan.  
(40 CFR 63.453(j)(2))

5. The permittee shall continuously monitor and record the values of the following operating parameters during the initial performance test required by Condition #3 of this section during a period when the UNOX System vent gas purity is at a level consistent with normal operations (less than or equal to 0.96):
  - UNOX System oxygen supply flow rate;

- Horsepower of UNOX System aerators;
- Regulated wastewater inlet flow to UNOX System; and
- Total inlet liquid flow to UNOX System.

An operating range/limit will be established for each of the above parameters based on the results of the initial performance test and supplemented, if necessary, by engineering assessments and manufacturer's recommendations.

(40 CFR 63.453(n))

6. The permittee shall operate the UNOX System when receiving regulated wastewater in a manner consistent with the minimum, maximum, or the range of (as appropriate) operating parameter values, as established in Condition #5 of this section and consistent with a UNOX System vent gas purity level that indicates normal operation (less than or equal to 0.96).

(40 CFR 63.453(o))

7. The permittee shall perform quarterly percent reduction tests on the UNOX System when receiving regulated wastewater. These percent reduction tests shall be performed as specified in 40 CFR 63.457(l) within 45 days after the beginning of each quarter. The first quarter tests for each year shall include measurement of methanol and non-methanol HAP mass in the regulated wastewater stream (condensate stream) to determine the ratio of non-methanol HAP mass to methanol mass ("r" value). For demonstrating compliance with the 92 percent standard, the "r" value from the first quarterly performance test each year will be used for the subsequent quarterly performance tests through the remainder of that year. Parameter values (for those parameters listed in Condition #5 of this section) shall be measured during the quarterly performance tests and the minimum, maximum, or the range of parameter values established in Condition #5 shall be increased, decreased, or expanded, respectively, if applicable, in accordance with 63.453(n).

(40 CFR 63.453(j)(3) and 40 CFR 63.453(n))

8. The permittee shall perform the following actions when the monitoring parameters specified in Condition #4 are below the minimum, above the maximum, or out of the range of (as appropriate) operating parameter values established in Condition #5 (a monitoring parameter excursion). These actions shall be met as soon as practical after the establishment of any monitoring parameter excursion:
  - a. Perform a performance test for percent HAP reduction using the test procedures of 63.457(l) and the daily inlet and outlet samples of regulated wastewater specified by Condition #3 that coincide with the parameter excursion. These samples shall be obtained prior to the actions required by b. and c. of this Condition.
  - b. Take steps to repair or adjust the operation of the process to end the parameter excursion period.
  - c. Take steps to minimize total HAP emissions to the atmosphere during the parameter excursion period.

The results of performance test required by a. of this Condition and the procedures specified in 63.453(p)(2) shall be used to determine compliance with Condition #2 for the monitoring parameter excursion period.

(40 CFR 63.453(p))

## **VI. Diesel-Fired Pump Requirements – (Reference No. #15a-c)**

### **A. Limitations**

1. Visible Emissions from any diesel-fired pump stack shall not exceed 20 percent opacity except for on six minute period in any one hour in which visible emissions shall not exceed 30% opacity.  
(9 VAC 5-50-80)

### **B. Monitoring and Recordkeeping**

2. Each diesel-fired pump stack shall be observed visually at least once each operating week for at least a brief time period to determine if the stack has normal visible emissions, except during weeks in which a 40 CFR 60 Appendix A Method 9 visible emissions evaluation is performed on the unit. On each occasion that above-normal visible emissions are observed, the permittee shall conduct a Method 9 visible emissions evaluation on the stack unless the visible emission condition is corrected as expeditiously as possible. The permittee shall maintain records of the results of the weekly visible emissions inspections and the details of any corrective actions taken as a result of these inspections.  
(9 VAC 5-80-110)
3. The permittee shall report the results of any 40 CFR Part 60 Method 9 opacity test performed as a result of Condition #2 of this section if the test indicates the facility is out of compliance with the standard contained in Condition #1 of this section. The reports shall meet all the requirements of General Condition E of this permit.  
(9 VAC 5-80-110)

## VII. Facility Wide Conditions

### A. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-50-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
PM/PM-10	EPA Method 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

### VIII. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
100	Bar screen conveyor and storage bin	9 VAC 5-80-270 B	TSP/PM10	
101	Grit handling system			
102	Ash handling system			
103	Cake Storage Pad			
1	Bar Screens		VOC	
8	Gravity Thickeners			
9	Dissolved Air Flotation Thickeners			
10	Supernatant Return Wetwell			
104	Degreasing Unit			
105	Primary sludge pump station vault vent			
106	Gravity thickener basement vent			
107	Dissolved air flotation thickener louver vent			
108	Hypochlorite system			
109	Non-potable water wetwells			
110	Basement moyno pump vent			
111	Emergency stand-by air compressor	9 VAC 5-80-720 C		75 HP

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

**IX. Permit Shield & Inapplicable Requirements**

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None identified		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
(9 VAC 5-80-140)

## **X. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit shall become invalid five years from the date of issuance. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application.

(9 VAC 5-80-110 D and 9 VAC 5-80-80 F)

### **C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
  - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
  - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
    - (1) Exceedance of emissions limitations or operational restrictions;
    - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
    - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, Piedmont Region, within four daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition X.C.3. of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

#### **F. Failure/Malfunction Reporting**

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Director, Piedmont Region, within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown.

(9 VAC 5-80-250)

#### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

#### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

#### **I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

#### **J. Permit Action for Cause**

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(9 VAC 5-80-110 G.4)

2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:

- a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
- b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
- c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
- d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
- e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
- f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

#### **K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-110 G.5)

**L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

**M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.  
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

**N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

**O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

**P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

#### **Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

#### **R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

**S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

**T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

**U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
  - d. For malfunctions that occurred for one hour or more, the permittee submitted to the Board by the deadlines described in **Failure/Malfunction Reporting** above, a

notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

#### **X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

**Y. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

**Z. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

**AA. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)